

# Minutes of the Special and Regular City Council Meeting

June 22, 2004

Twin Pines Senior and Community Center

1223 Ralston Avenue

## **SPECIAL MEETINGS**

### **CLOSED SESSIONS – 6:45 P.M.**

A. Conference with Labor Negotiator, Jere A. Kersnar, pursuant to Government Code Section No. 54957.6:1. MMCEA, 2. AFSCME

B. Conference with Legal Counsel, pursuant to Government Code Section 54956.9(a): Existing Litigation, One Case: 1. Teamsters Local 856, et al., vs. City of Atherton, et al.

C. Conference with Real Property Negotiator, Jere A. Kersnar and Karl Mittelstadt, Regarding Purchase of Property pursuant to Government Code Section 54956.8: APN 044-042-180.

Closed Session C was not held.

Said Closed Sessions attended by Councilmembers Mathewson, Warden, Bauer, Feierbach and Metropulos, City Manager Kersnar, City Attorney Savaree, Human Resources Director Dolan (Session A), IEDA Labor Negotiator Lee Finney (Session A). Deputy City Clerk Harrington was excused from attending.

**ADJOURNMENT** at this time being 7:25 P.M. these Closed Sessions were adjourned.

Meetings not tape recorded or videotaped. Sheila Harrington

Deputy City Clerk

### **REGULAR MEETING - 7:35 P.M.**

#### **ROLL CALL**

Councilmembers Present: Mathewson, Warden, Bauer, Feierbach, Metropulos

Councilmembers Absent: None

Staff present: City Manager Kersnar, City Attorney Savaree, Community Development Director Ewing, Finance Director Fil, Parks and Recreation Director Mittelstadt, City Engineer Phalen, Police Chief Mattei, Deputy City Clerk Harrington.

#### **REPORT FROM CLOSED SESSION**

Mayor Metropulos announced the direction was given, however no action was taken.

#### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**J. Greenhaw**, Tahoe Drive, spoke regarding the City Council denial of a Resolution at the June 8 meeting regarding painting a right hand turn lane on El Camino Real Southbound at F Street in front of the Holiday Inn. Mr. Greenhaw stated he owns a business in the area and worked with the State of California (Caltrans)

for the last year on changing the intersection. Caltrans engineers recommended a right hand turn only lane would cause drivers to maintain their lanes through the F street intersection. He requested that the City Council reconsider their decision. He stated Caltrans would send a crew out to do the work.

City Manager Kersnar stated that if the City Council wanted to reconsider the matter, an individual councilmember could place the item on a future agenda as a Number 9.

**J. Peceimer**, President, Friends of the Library, announced upcoming Library events and fundraising efforts. She stated the current Belmont library would close on August 8 for the construction of the new library.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Mayor Metropulos announced that he attended the Carlmont High School graduation ceremony.

**RECESS:** 8:00 P.M., **RECONVENE:** 8:08 P.M.

### **PUBLIC/HEARINGS**

Reconvene Continued Public Hearings for the Belmont Fire Protection District; Redevelopment Agency and City of Belmont to consider proposed budgets for Fiscal Year 2004-05, including establishment of Appropriations Limits, and to consider a Resolution approving the report of proposed Sewer/Storm Drain Rates to be collected by the County of San Mateo on the property tax roll, to consider a Resolution approving the Master Fee Schedule, and to consider a Motion to approve/deny revisions to Financial Policies.

Finance Director Fil outlined the actions to be considered by Council. He reviewed the \$1.48 million correction budget strategy that contained \$117,000 worth of revisions and the four positions to be reinstated (Community Service Officer, Senior Marketing/Volunteer Coordinator, Senior Resource Specialist, Senior Transportation). He noted the City Council and the City Treasurer volunteered for 3% compensation reductions.

Finance Director Fil stated that budget alternatives that could be considered included restructuring the Senior Transportation Program for a savings of \$6,500 and leasing the Police Station, after it was vacated in an "as is" condition, for up to \$64,800.

The City Council concurred that they did not want to pursue either of the alternatives presented.

Finance Director Fil stated that the Master Fee schedule was in compliance with the City Council policy to recover the cost of services where possible. He noted that some fees were adjusted to reflect the level of effort such as the appeal fee which was set at 50% of the actual cost of an appeal.

Finance Director Fil stated that each year the city reviews a rolling five year projection of the sewer service revenue and charges and the capital improvement program. Next year the city will issue bonds for the second \$7.5 million phase of the sewer program. The proposed 16% rate increase includes the cost of borrowing on the bonds as well as increasing operations costs.

Belmont currently has \$500,000 in sewer reserves, the increase in rates over the next five years will insure a sufficient level of reserves. He noted that the average resident pays \$373, which will increase to \$432. He stated that staff would return at a future council meeting to discuss sewer connection fees as part of the development impact fee study.

Councilmember Warden stated his concern at the sewer rate increases. Finance Director Fil stated that the reserves would be further depleted if Council did not approve the rate increases. The reserves are used to pay for liability claims and unforeseen operating problems.

Finance Director Fil briefly outlined the Financial Policies: Level 1: Community Group Funding Level 2: Improving the Effectiveness of Fund Accounting, Voluntary Presentation of Management's Discussion and

Analysis, Enhancing Management Involvement with Internal control, Use of Positive Pay versus Reverse Positive Pay.

In response to Councilmember Warden, Finance Director Fil stated there was funding for the potential Economic Development Manager position. Staff would return with options to discuss.

City Manager Kersnar confirmed for Councilmember Mathewson that Council would review the Chula Vista Traffic Calming Project before it was implemented.

Mayor Metropulos opened the public hearing. No one came forward to speak.

**Action:** On a motion by Councilmember Bauer, seconded by Councilmember Feierbach, the Public Hearing was unanimously closed by a show of hands.

Council discussion ensued regarding the Facility Use Fee and the Solicitor's Permit Fee.

In response to Councilmember Bauer, Community Development Director Ewing stated that Belmont has a policy of full cost recovery for planning fees, other cities were starting to approach these fee levels. The building fees were in line with other cities.

Councilmember Warden reminded Council that they have a policy of refunding appeal fees if the Council agrees with the appellant. He asked Council if they wanted to continue with that policy. He further stated the current fee was too low.

In response to Councilmember Feierbach, City Attorney Savaree stated that a Councilmember may request a call up of a planning commission action and if the Council concurred to call up the matter, the entire council may vote on the issue.

The council discussed the appeal fee. City Manager Kersnar clarified that the Development Services Fund was intended to be self supporting, if the appeal fee was below cost recovery, then every user of the other services provided through that fund would subsidize the appellants.

Councilmember Warden noted that an individual could request a councilmember to appeal a project.

**Action:** A motion was made by Councilmember Bauer, seconded by Councilmember Feierbach, and approved unanimously by a show of hands to adopt the budget items as presented, with the exception of the City Budget Resolution:

**Adopt** the Budget Correction Strategy.

**Resolution No. 9547** approving the Article XIII B Appropriations for the Fiscal Year 2005.

**Resolution No. 9548** adopting the Fiscal Year 2005 Master Fee Schedule.

**Resolution No. 9549** setting Sewer/Storm Drain Rates to be Collected by the County of San Mateo on the Property Tax Roll for Fiscal Year 2005.

**Resolution No. 9550** adopting Financial Policies

**Action:** A motion was made by Councilmember Bauer, seconded by Councilmember Feierbach and approved unanimously by a show of hands to adopt:

**Resolution No. 9551** adopting the Proposed Fiscal Year 2005 Revenue, Appropriations, Capital Improvements Program Budgets and Establish a Permanent Staffing Plan for the City of Belmont.

Councilmember Metropulos stated for the record that they were able to spare four out of the seven jobs, which was a testament to the commitment that the City Council. He thanked Finance Director Fil, the Finance Commission and the Finance Department for their work.

**Adjournment:** at this time, being 9:10 P.M., on motion Councilmember Bauer, seconded by Councilmember Mathewson and approved unanimously, by show of hands, the Belmont Fire Protection District and Redevelopment Agency Meetings were adjourned.

Continued Public Hearing to Consider a Resolution Approving Collection of the Basic and Additional Charges by the San Mateo County Flood Control District to Fund the Expanded Scope of Work for the 2004/05 Countywide National Pollutant Discharge Elimination System General Program (Continued from June 8, 2004).

City Manager Kersnar stated that a meeting was held with Councilmember Feierbach, City Attorney Savaree and City Engineer Phalen. He thought the issues were addressed and recommended adoption.

Mayor Metropulos opened the public hearing. No one came forward to speak.

**Action:** On a Motion by Councilmember Bauer, seconded by Councilmember Mathewson, the Public Hearing was unanimously closed by a show of hands.

**Action:** On a Motion by Councilmember Feierbach, seconded by Councilmember Warden and approved unanimously by a show of hands to adopt:

**Resolution No. 9552** approving Collection of the Basic and Additional Charges by the San Mateo County Flood Control district to fund the Expanded Scope of Work for the 2004/05 Countywide National Pollution Discharge Elimination System (NPDES) General Program.

#### **AGENDA AMENDMENTS**

Councilmember Warden requested separate discussion of agenda items 4-E and 4-F (CCN 433)

#### **CONSENT CALENDAR**

**Approved** meeting minutes: Special and Regular Meeting of May 11, 2004; Regular Meeting and Joint Meeting with the Finance Commission of May 25, 2004.

**Acceptance** of Written Communication 1) Notice of Filing of Application: PG&E's 2005 Energy Resource Recovery Account and Ongoing Competition Transition Charge Revenue Requirements, dated June 7, 2004.

**Acceptance** of Police Department/City Hall Project – Monthly Report.

**Resolution No. 9553** for the Authorization to Apply for Transportation Funds for Clean Air Regional Fund Grant from the Bay Area Air Quality Management District for a Compressed Natural Gas Street Sweeper.

**Resolution No. 9554** Approving and Authorizing the City Manager to Execute Agreements between State of California, Department of Transportation, and the City of Belmont regarding Federal Funding for Project STPLHSR-5268(013), Installation of In-Pavement Crosswalk Lights and Active School Zone Radar Signs.

**Resolution No. 9555** Authorizing City Manager to Execute a Professional Services Agreement with Nova Partners to Perform Construction Management Services for the Belmont Library project.

**Action:** On motion by Councilmember Mathewson, seconded by Councilmember Bauer and approved unanimously, by a show of hands, the Consent Calendar was adopted as amended.

#### **ITEMS CONSIDERED OFF CONSENT CALENDAR**

Consideration of a Resolution for the Authorization to Apply for Transportation Fund for Clean Air Regional Fund from the Bay Area Air Quality Management District in the amount of \$1,000,000 for the U.S. Highway 101 Bicycle/Pedestrian Bridge Project, City Contract No. 433. **AND**

Consideration of a Resolution for the Authorization to apply for a Transportation for Livable Communities Grant from the Metropolitan Transportation Commission in the Amount of \$1,000,000 for the U.S. Highway 101 Bicycle/Pedestrian Bridge Project, City Contract No. 433

Councilmember Warden stated this project started in 1999 and the City has less than 20% of the total funds needed. The proposed budget was \$3.6 million including the \$800,000 already spent. The revised estimate is \$4.4 million assuming the project goes out to bid in the next year. Councilmember Warden stated he was not comfortable with the project and did not think the money would be in place to go out to bid in a year. He stated he would like more time to consider these grants, but one of the grants had an imminent time issue.

Councilmember Warden pointed out that the Ralston Avenue/Highway 101 Interchange that Caltrans was currently working on may not include complete pedestrian/bicycle access. He thought Caltrans should have provided mitigation for this. Councilmember Warden recommended that the City Council hold a study session to take an in depth look at the Bicycle/Pedestrian Bridge Project.

In response to Councilmember Bauer, City Manager Kersnar stated that applying for the grant is a commitment that the project will be completed. If the City Council is considering not pursuing the project, then staff should not apply for the grant.

In response to Councilmember Feierbach, City Engineer Phalen stated that the majority of the money spent to date has been grants with a City match. Finance Director Fil interjected that the local match money came from Measure A funds, general fund money has not been used. He stated that if we do not proceed with the grants, we run the risk that the money spent to date will be lost with the project. He did not anticipate using General Fund or Redevelopment Agency funds at this time.

In response to Councilmember Mathewson, City Manager Kersnar stated the project estimate of \$4.4 million was updated after the draft budget was submitted to the City Council. He further stated that this had been identified as a high priority council project, and staff proceeded under that assumption.

Councilmember Warden stated he was worried that the bid will come in over the estimate and Council will have to consider using City funds to complete the project. He stated that he did not think that Council had a full understanding of the project.

City Manager Kersnar stated they would schedule a project update for the next city council meeting.

**Action:** On a Motion by Councilmember Bauer, seconded by Councilmember Feierbach and approved unanimously by a show of hands to adopt:

**Resolution No. 9556** for the authorization to apply for Transportation Fund for Clean Air Regional Fund from the Bay Area Air Quality Management District in the amount of \$1,000,000 for the U.S. Highway 101 Bicycle/Pedestrian Bridge Project, City Contract No. 433. **AND**

**Resolution No. 9557** for the Authorization to Apply for a Transportation for Livable Communities Grant from the Metropolitan Transportation Commission in the Amount of \$1,000,000 for the U.S. Highway 101 Bicycle /Pedestrian Bridge Project, City Contract Number 433.

**RECESS:** 9:26 P.M. **RECONVENE:** 9:34 P.M.

**NEW BUSINESS**

Discussion Regarding an Amendment to the Conditions of Approval to Allow Occupancy for 2518 Ralston Avenue (APN 043-322-650) by Accepting a Bond as Security for the Roadway Improvements and Relocation of an Existing Joint Power Pole.

City Engineer Phalen stated that Adam Naser, the property owner of 2518 Ralston, is nearing completion of the building of his project and is seeking a Certificate of Occupancy. She noted that the required road work has not been completed due to the need to relocate the existing joint power pole. Recent Council action granted a building permit to the property owner of 2514 Ralston after a bond was posted to insure the power pole would be relocated; however the Certificate of Occupancy will not be issued until the road work is completed.

Mr. Naser requests approval of the Certificate of Occupancy and will complete the road work in conjunction with the work at 2514 Ralston. Mr. Naser is jointly posting the bond with 2514 for the power pole relocation. City Engineer Phalen suggested that a letter of credit be posted, but Mr. Naser found this to be financially unfeasible.

City Engineer Phalen recommended against issuing a Certificate of Occupancy since it could be difficult to enforce completion of the road once the certificate was granted. She noted there may be liability issues if they allowed occupancy before the road is completed.

In response to Councilmember Warden, City Engineer Phalen stated the road was not of sufficient width, the required minimum width was 18 feet from gutter to gutter. The pole is three feet off of the gutter; it would require a variance or an amendment to the San Juan Hills Road Standards. The width of the pavement would allow a vehicle to pass the power pole.

In response to Councilmember Bauer, Ms. Phalen stated the pole was not moved sooner because the applicant believed that PG&E would pay for the relocation. PG&E has responded that they are not required to move the pole at their cost if it is for the benefit of a developer.

Mr. Naser, presented the council with an outline of the project history (On file in the City Clerk's office) He stated that they have submitted an application with a deposit to PG&E for the relocation of the power pole. PG&E estimated that the engineering for the work will be completed by August 19 and the relocation of the pole by November 19. Mr. Naser stated he would welcome any help from the City to encourage PG&E to move the pole sooner.

Mr. Naser stated the balance of the remaining road improvement work was worth less than \$40,000. He stated that he has jointly posted bonds with Mr. Fallaha in the amount of \$125,000 as surety for the road improvement completion and pole relocation. He pointed out that that was triple the value of the remaining work. He stated the city could still withhold the Certificate of Occupancy from Mr. Fallaha's project, if the road improvement was not completed.

Mr. Naser stated the house was designed and built for his family. He stated they would like to delay paving the road until after the heavy equipment leaves the construction site at Mr. Fallaha's project, and after the power pole is relocated they will patch that space. He noted the Planning Commission required railing across the entire road and if this work was done too soon, it would cut off access to his neighbors construction project.

He stated the \$100,000 Letter of Credit that staff is requesting is out of proportion to his responsibilities, he would be willing to consider other options.

In response to council questions, City Engineer Phalen stated that on a temporary basis the pole could be protected by bollards and restrict traffic to one lane, she noted that there were other punch list items on the road that need to be completed.

City Manager Kersnar stated they wanted the Letter of Credit to be sufficient to cover all outstanding costs, so that none of the other bonds would have to be cashed.

In response to City Attorney Savaree, Mr. Naser stated that he needed to have cash in the bank and have cash to do the work, he felt that his share is \$20,000 for the remaining road work, they could double that, it should be sufficient security for the City and they would still have the Certificate of Occupancy of Mr. Fallaha. He said a \$40,000 Letter of Credit was stretching the bounds for him.

**Action:** On Motion by Councilmember Warden to continue the item to allow staff to work with the applicant and if there were further need, to bring the item back at the next meeting.

**Action:** Councilmember Bauer made a friendly amendment that Mr. Naser complete the balance of the punch list in order to obtain the Certificate of Occupancy.

Councilmember Warden accepted the amendment, he stated he hoped the applicant would work with staff and resolve the issue and Council would not have to see the matter again.

In response to City Attorney Savaree, Councilmember Warden clarified that the City Council needed to make the final decision. He wanted to continue the item have staff work it out with the applicant and bring back to Council for approval.

Councilmember Feierbach stated they should have an amount that covers the cost of the work, she reminded the City Council that Marburger Avenue has never been finished.

Mr. Naser stated he would not be able to install the railing on Mr. Fallaha's property. City Attorney Savaree stated that all the issues would be analyzed before the item returns to the City Council.

**Action:** Mayor Metropulos called for the vote on Councilmember Warden's amended motion, Councilmember Bauer seconded the motion, Council approved unanimously by a show of hands to continue the matter.

#### Discussion and Direction Regarding Application for Planning Grant - "Transportation for Livable Communities".

Community Development Director Ewing stated this grant would allow the city to prepare plans for access improvements to transportation and transit facilities. Samtrans is seeking multi-jurisdictional participation (Caltrain, Redwood City and San Carlos) in the grant application. Community Development Director Ewing suggested the plans that could be developed would be based on the Peninsula Corridor Plan and could include improvements to Ralston Avenue, El Camino Real and Old County Road in and around the Caltrain station.

Community Development Director Ewing stated that staff could prepare a stand-alone application; however, he thought the likelihood of success would be fairly low.

In response to Councilmember Feierbach, Community Development Director Ewing stated Belmont would not be required to use higher density housing in the plan, each city would be in charge of their own portion of the plan. He further clarified that Belmont did not have a low-income neighborhood by County income standards, but did have lower income, affordable apartments that could be identified in the application to enhance the chances of receiving the grant.

Community Development Director Ewing stated that Sam Trans has indicated that they would pay the required \$25,000 match for the grant. He noted that if awarded the grant, Belmont might want to consider additional funding.

Councilmember Feierbach stated she wanted to help El Camino Real, but she wanted to be sure that Belmont would not be required to put in high density housing. Community Development Director stated he communicated these concerns to Sam Trans and they understood.

Community Development Director Ewing stated he would bring a letter of support to the next Council meeting for Council to consider as an attachment to the grant application.

Councilmember Warden stated that the Council could make better decisions if they were aware of potential grants sooner. He requested the City Manager consider ways to change the process.

City Manager Kersnar stated that in this case, staff received the grant at the last minute. In the case of the bike bridge grants, staff was proceeding under the direction of the previous council, which may not be the direction of the current council.

Councilmember Feierbach thanked Community Development Director Ewing for including the specification sheet and requested staff include them in future grant requests.

**Action:** On Motion by Councilmember Feierbach, seconded by Councilmember *Warden* to proceed with Option 3: Direct staff to work with Samtrans/Caltrain on a multi-jurisdictional planning application, not to exceed fifteen hours of staff time.

### **COMMISSION, COMMITTEE UPDATES, AND STAFF ITEMS**

Consideration of Council Intergovernmental Assignment to Peninsula Congestion Relief Alliance.

Councilmember Mathewson agreed to keep this assignment. He noted that starting in September the Alliance will meet every other month instead of quarterly.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

Mayor Metropulos announced that City Clerk Cook was in Namur, Belgium with the Sister City Delegation.

### **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

Consideration and direction to form a Permit Efficiency Task Force (Warden).

Councilmember Warden stated that based on the feedback that he received regarding the permit process, the process could be improved. He suggested a two level planning commission, one level to consider less controversial items, then all other items are considered by the second level. He thought the permit process has gotten better but he would like to review what other cities do to provide a more efficient permit process. He recommended the task force consist of builders, contractors, people who have undergone major remodeling, and planning commissioners. He suggested a timeframe of six months for the task force to meet.

Council concurred to add this to the priority calendar.

Consideration of the addition of similar language from Section 14.9.2 Notice of Administrative Decision and Appeal procedure (as in our commercial districts) to Section 4.2.10 residential districts (Feierbach).

Councilmember Feierbach stated that when the Planning Department makes administrative decisions, the City Council is not notified, and the 10 day appeal period lapses.

City Attorney Savaree stated an ordinance amendment was required to approve notification of Planning Department administrative decisions. Currently, anyone could appeal these decisions, but there was not a notification process in place.

Community Development Director Ewing stated they could use the appeal language from one ordinance and put it into the floor area exceptions process. He stated he would work with the memo from Councilmember Feierbach as the basis of the Council direction.

The City Council concurred to proceed with this item.

**ADJOURNMENT 10:30 P.M.**

Meeting audio and video taped Sheila Harrington

Tape No. 583 Deputy City Clerk